

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Final Office Action mailed on May 26, 2010, and the references cited therewith.

Claims 57 and 60 are amended, claims 1-53, 59, and 63 are canceled, and no claims are added; as a result, claims 54-58, 60-62, and 64-66 are now pending in this application.

#### **Information Disclosure Statement**

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Information Disclosure Statement filed on May 13, 2009, marked as being considered and initialed by the Examiner, be returned with the next official communication.

#### **Examiner Interview Summary**

Examiner and Applicant conducted an interview on July 21, 2010, to discuss the claim language and amendment thereof to overcome the new matter rejection, along with filing a terminal disclaimer to overcome the double patenting rejection. Agreement appeared to be reached that all of the claims of the present application are in condition for allowance if the amendments to the last element of independent claims 57 and 60 are consistent with the last element of independent claim 54, which was already determined to be allowable. Applicant has endeavored to amend independent claims 57 and 60 accordingly. Applicant thanks Examiner Bui for his time and consideration.

#### **Double Patenting Rejection**

Claims 54-58, 60-62, and 64-66 were rejected on the ground of nonstatutory obviousness-type double patenting, specifically as being unpatentable over claims 13, 24, 33, 44, 46, 49, 52, 56, 66, 69, 71, 72, for example, of U.S. Patent No. 6,117,167, and claims 1, 2, 5, 18, 24, for example, of U.S. Patent No. 5,716,365.

A Terminal Disclaimer in compliance with 37 CFR 1.321(c) is enclosed herewith to overcome these rejections.

*Specification*

Claims 57 and 60 were objected to under 35 USC § 132(a) as introducing new subject matter not supported by the specification as originally submitted. Applicant respectfully traverses the objection as follows.

Applicant has amended independent claims 57 and 60 to overcome the objection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to independent claims 57 and 60, as currently amended.

*§ 112 Rejection of the Claims*

Claim 57 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection as follows.

Applicant has amended independent claim 57 to overcome the § 112 rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 112 rejection of independent claim 57, as currently amended.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at 612-236-0126 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being electronically filed with the United States Patent and Trademark Office on this 23<sup>rd</sup> day of

July, 2010.

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Respectfully Submitted,  
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